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BEFORE THE ARIZONA COMMISSION

DOCKETED

WILLIAM A. MUNDELL

Chairman

JIM IRVIN

Commissioner

MARC SPITZER

Commissioner

AUG 06 2001

DOCKETED BY

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IN THE MATTER OF THE APPLICATION )  
OF QWEST CORPORATION F/K/A U S WEST )  
COMMUNICATIONS, INC., FOR APPROVAL )  
OF AN UNBUNDLED NETWORK ELEMENT )  
COMBINATION AMENDMENT TO THE )  
INTERCONNECTION AND SERVICE RESALE )  
AGREEMENT WITH ADELPHIA BUSINESS )  
SOLUTIONS OPERATIONS, INC. )

DOCKET NOS. T-01051B-01-0467  
T-03837A-01-0467

DECISION NO. 63897

ORDER

Open Meeting  
July 24 and 25, 2001  
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On June 8, 2001, Qwest Corporation ("Qwest"), f/k/a U S West Communications, Inc., filed an application for approval of an Amendment to the Interconnection Agreement between Qwest and Adelphia Business Solutions Operations, Inc. ("Adelphia"). The original Interconnection Agreement was approved by the Commission on October 10, 2000, in Decision No. 62946.

2. The Telecommunications Act of 1996 ("1996 Act") directed incumbent local exchange carriers to make their networks available for interconnection and resale by new entrants to the local exchange market. The 1996 Act provides for interconnection and resale agreements to be concluded by voluntary negotiation.

3. This Amendment to the Interconnection Agreement between Qwest and Adelphia was voluntarily negotiated, without resort to arbitration.

4. Under the terms of this Amendment, terms, conditions and rates are added for Unbundled Network Element Combinations. Unbundled Network Elements are network elements,

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1 which are defined by the Federal Communications Commission and that Quest must make  
2 available to Adelphia for a fee.

3 5. According to the 1996 Act, the Commission must approve voluntarily negotiated  
4 interconnection and resale agreements, if their provisions are non-discriminatory and in the public  
5 interest.

6 6. Staff has reviewed the Amendment and finds it to be non-discriminatory and in the  
7 public interest. Qwest is offering the same terms and conditions of the Agreement to all other  
8 interested parties. The Agreement is in the public interest because it will act to further competition  
9 in the local exchange market in Arizona.

10 7. Since there are no grounds for rejection of the Amendment pursuant to Section  
11 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the  
12 Amendment to the Interconnection Agreement between Qwest and Adelphia.

#### 13 CONCLUSIONS OF LAW

14 1. Qwest is an Arizona public service corporation within the meaning of Article XV,  
15 Section 2, of the Arizona Constitution.

16 2. The Commission has jurisdiction over Adelphia and over the subject matter of the  
17 Application.

18 3. The Commission, having reviewed the Application and Staff's Memorandum has  
19 determined that the Amendment to the Interconnection Agreement negotiated between Qwest and  
20 Adelphia meets the requirements of Section 252(e)(2)(A) of the 1996 Act which governs the  
21 approval of voluntarily-negotiated agreements and is in the public interest.

22 4. The Commission maintains jurisdiction over the subject matter of the Agreement  
23 and Amendments, thereof, to the extent permitted pursuant to the powers granted the Commission  
24 by the Arizona Constitution, Statutes, Commission Rule, and the 1996 Act and the Rules  
25 promulgated thereunder.

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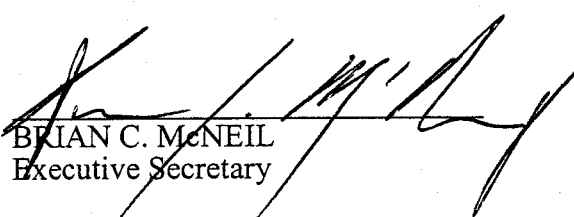
ORDER

IT IS THEREFORE ORDERED that the Commission hereby approves the Amendment to the Interconnection Agreement between Qwest and Adelphia filed June 8, 2001.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

**BY ORDER OF THE ARIZONA CORPORATION COMMISSION**  
CHAIRMAN  
COMMISSIONER  
COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL,  
Executive Secretary of the Arizona Corporation  
Commission, have hereunto, set my hand and caused the  
official seal of this Commission to be affixed at the Capitol,  
in the City of Phoenix, this 10th day of August, 2001.

  
BRIAN C. McNEIL  
Executive Secretary

DISSENT: \_\_\_\_\_

DRS:EAA:bsl/MAS

1 SERVICE LIST FOR: Qwest Corporation and Adelphia Business Solutions Operations, Inc.

2 DOCKET NOS. T-01051B-01-0467 and T-03837A-01-0467

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4 Mr. John B. Glicksman, Esq.  
5 Vice President and General Counsel  
6 Adelphia Business Solutions Operations, Inc.  
7 One North Main Street  
8 Coudersport, Pennsylvania 16915

9 Ms. Theresa Dwyer  
10 Fennemore Craig  
11 3003 North Central Avenue, Suite 2600  
12 Phoenix, Arizona 85012

13 Mr. Timothy Berg  
14 Fennemore Craig  
15 3003 North Central Avenue, Suite 2600  
16 Phoenix, Arizona 85012

17 Mr. Christopher C. Kempley  
18 Chief Counsel  
19 Arizona Corporation Commission  
20 1200 West Washington  
21 Phoenix, Arizona 85007

22 Ms. Deborah Scott  
23 Director, Utilities Division  
24 Arizona Corporation Commission  
25 1200 West Washington  
26 Phoenix, Arizona 85007

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